

1 STEPHAN

2 I'm saying, yes, it looks correct  
3 in my computer system.

4 BY MR. COX:

5 Q. Is there anything else that  
6 you look at in your computer system when  
7 you're signing a summary judgment  
8 affidavit?

9 MS. PITNEY: I'm sorry. I  
10 couldn't hear the last part of  
11 that.

12 BY MR. COX:

13 Q. Is there anything else that  
14 you look at in your computer system at  
15 the time that you sign a summary judgment  
16 affidavit?

17 A. The only other thing I  
18 can --

19 MS. PITNEY: One second.  
20 Are we talking about the computer  
21 system, the communication system?  
22 I just was asking for  
23 clarification of --

24 MR. COX: Let me clarify it.

25 MS. PITNEY: What computer

1 STEPHAN

2 communication system Tom was  
3 asking him about.

4 BY MR. COX:

5 Q. You testify that you go into  
6 the First Serve (sic) system; is that  
7 correct?

8 A. Yes, Fiserv.

9 Q. Fiserv. Do you go into any  
10 other computer system at the time that  
11 you're signing a summary judgment  
12 affidavit?

13 A. No.

14 Q. And you just testified that  
15 you look at principal, interest, late  
16 charges and escrow; is that correct?

17 A. That is correct.

18 Q. Is there anything else that  
19 you look at in your computer system when  
20 you're signing a summary judgment  
21 affidavit?

22 A. The only thing I review,  
23 other than that, is who the borrower is.

24 Q. When you receive a summary  
25 judgment affidavit to sign, do you read

1 STEPHAN  
2 every paragraph of it?

3 A. No.

4 Q. What do you read?

5 A. I look for the figures.

6 Q. That's all that you look at  
7 when you sign a summary judgment  
8 affidavit?

9 A. Yes, to ensure that the  
10 figures are correct.

11 Q. Is it fair to say then that  
12 when you sign a summary judgment  
13 affidavit, you do not know what it says,  
14 other than what the figures are that are  
15 contained within it?

16 MR. FLEISCHER: Objection as  
17 to form.

18 MS. PITNEY: Objection to  
19 the form of the question.

20 THE WITNESS: Please  
21 rephrase.

22 BY MR. COX:

23 Q. It fair to say that when you  
24 sign a summary judgment affidavit, you  
25 don't know what information it contains,

1 STEPHAN

2 other than the figures that are set forth  
3 within it?

4 A. Other than the borrower's  
5 name, and if I have signing authority for  
6 that entity. That is correct.

7 Q. The practice that you've  
8 just described for signing summary  
9 judgment affidavits is the practice that  
10 you use signing all summary judgment  
11 affidavits that you handle; is that  
12 correct?

13 MR. FLEISCHER: Again, I'm  
14 going to object to the form of the  
15 question.

16 BY MR. COX:

17 Q. Is that correct?

18 A. The practice that I use for  
19 summary judgment affidavits is the same  
20 practice that I use for all affidavits.

21 Q. And that's the one that  
22 you've just described?

23 A. Yes.

24 Q. Is any part of your  
25 compensation at GMAC Mortgage tied to the

1 STEPHAN

2 A. I do not recall.

3 Q. If a loan has been modified,  
4 does that show up in the Fiserv system  
5 that you look at?

6 A. When you say "modified," are  
7 you stating a loan modification?

8 Q. Yes.

9 A. Yes.

10 Q. Does that show up?

11 A. Yes.

12 Q. If a loan has been modified,  
13 is any information put in the summary  
14 judgment affidavits that you sign about  
15 that?

16 MR. FLEISCHER: Objection.  
17 Are you talking about modified, or  
18 his term was loan modification. I  
19 just want to make sure we're  
20 clear.

21 MR. COX: That's fine.

22 BY MR. COX:

23 Q. If there's a loan  
24 modification, does information about a  
25 loan modification appear in the summary

1 STEPHAN

2 volume of documents that you sign?

3 A. No.

4 Q. Is any part of your  
5 compensation tied to the volume of  
6 documents that your department processes?

7 A. No.

8 Q. Is it your understanding  
9 that the process that you follow in  
10 signing summary judgment affidavits is  
11 in accordance with the policies and  
12 procedures required of you by GMAC  
13 Mortgage?

14 A. Yes.

15 Q. Does GMAC do any quality  
16 assurance training for your department?

17 A. Presently, no.

18 Q. Has it in the past?

19 A. I do not know.

20 Q. You don't recall any?

21 A. I never received any.

22 Q. Do you have any memory of  
23 checking the numbers on the Bradbury  
24 affidavit that's in front of you as  
25 Deposition Exhibit-1?

1 STEPHAN

2 judgment affidavits that you sign?

3 A. I do not know.

4 MS. PITNEY: In all of them,  
5 or in this one?

6 MR. COX: In any of them.

7 THE WITNESS: I don't know.

8 BY MR. COX:

9 Q. Based upon your testimony,  
10 Mr. Stephan, is it correct that when you  
11 sign a summary judgment affidavit, such  
12 as Deposition Exhibit-1 that is in front  
13 of you, you don't know whether any  
14 portion of it is true, other than the  
15 paragraph containing the numbers that  
16 you just described; is that correct?

17 MS. PITNEY: Object to the  
18 form. Tom, are you asking him  
19 about this affidavit?

20 MR. COX: Well, he's  
21 testified that doesn't recall  
22 signing this particular affidavit,  
23 so that was not my question. Let  
24 me restate it.

25 BY MR. COX:

1 STEPHAN

2 Q. In your practice of signing  
3 summary judgment affidavits, Mr. Stephan,  
4 is it correct that they always have a  
5 paragraph containing the numbers of the  
6 amounts claiming to be due?

7 A. That would be correct.

8 Q. And is it correct that when  
9 you sign those affidavits, you don't know  
10 whether any other part of the affidavit  
11 is true or correct?

12 A. Please advise me. What do  
13 you mean by "any other part"?

14 Q. Any other paragraph, other  
15 than the one containing the numbers.

16 A. I review it for the due  
17 date, if that's included in there.

18 Q. So all of them --

19 A. So that would be the  
20 numbers.

21 Q. So other than the due date  
22 and the balances due, is it correct that  
23 you do not know whether any other part of  
24 the affidavit that you sign is true?

25 A. That could be correct.



1 STEPHAN

2 Q. Is it correct?

3 A. That is correct.

4 Q. And isn't it also correct  
5 that you do not check the numbers on  
6 every single summary judgment affidavit  
7 that you sign?

8 A. That is not correct.

9 Q. You check every single one?

10 A. Yes.

11 Q. How long does it take you,  
12 on average, to process the execution of a  
13 summary judgment affidavit?

14 MS. PITNEY: Object to the  
15 form.

16 MR. COX: Please answer.

17 THE WITNESS: Anywhere from  
18 five to 10 minutes, off the top of  
19 my head.

20 MR. COX: If we can take a  
21 break. I may be done, but we can  
22 take a break for five minutes.

23 (Whereupon, a short recess  
24 was taken.)

25 BY MR. COX:

1 STEPHAN

2 Q. Mr. Stephan, referring you  
3 again to the bottom line on Page 1 of  
4 Exhibit-1, it states: I have under my  
5 custody and control, the records relating  
6 to the mortgage transaction referenced  
7 below.

8 It's correct, is it not,  
9 that you did not have in your custody any  
10 records of GMAC at the time that you  
11 signed a summary judgment affidavit?

12 MS. PITNEY: Objection to  
13 the form.

14 THE WITNESS: I have the  
15 electronic record. I do not have  
16 papers.

17 BY MR. COX:

18 Q. You have access to a  
19 computer. Is that what you mean?

20 A. Yes.

21 Q. You have no control over  
22 that system, do you?

23 MR. FLEISCHER: Objection as  
24 to form.

25 BY MR. COX:

1 STEPHAN

2 Q. You have no control over  
3 that Fiserv computer system, do you?

4 A. No, I do not.

5 Q. And someone else within GMAC  
6 is responsible for ensuring the accuracy  
7 of that system; isn't that correct?

8 A. That would be correct.

9 MR. COX: I have no further  
10 questions.

11 MR. FLEISCHER: We're done,  
12 Julia, unless you have something  
13 to add.

14 MS. PITNEY: No.

15 (Witness excused.)

16 - - -  
17 (Whereupon, the deposition  
18 concluded at 11:45 a.m.)  
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I N D E X

Testimony of: Jeffrey Stephan

By Mr. Cox . . . . . 4

E X H I B I T S

NO.	DESCRIPTION	PAGE
1	Affidavit August 5, 2009	3

1  
2 CERTIFICATE

3 I HEREBY CERTIFY that the witness  
4 was duly sworn by me and that the  
5 deposition is a true record of the  
6 testimony given by the witness.  
7  
8  
9  
10

11 Susan B. Berkowitz, a  
12 Registered Professional Reporter  
13 and Notary Public  
14  
15  
16  
17

18 Dated: June 9, 2010  
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18 (The foregoing certification  
19 of this transcript does not apply to any  
20 reproduction of the same by any means,  
21 unless under the direct control and/or  
22 supervision of the certifying  
23 reporter.)  
24  
25

1  
2 I have read the foregoing transcript  
3 of my deposition given on June 7, 2010,  
4 and it is true, correct and complete, to the  
5 best of my knowledge, recollection and belief,  
6 except for the corrections noted hereon and/or  
7 list of corrections, if any, attached on a  
8 separate sheet herewith.  
9

10  
11 -----  
12 JEFFREY STEPHAN  
13  
14  
15  
16

17 Subscribed and sworn to  
18 before me this 7 day  
19 of June, 2010.  
20

21  
22 Sue Bertowicz  
23

24 Notary Public  
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LAWYER'S NOTES

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